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**RADER FISHMAN & GRAUER PLLC**  
**LION BUILDING**  
**1233 20TH STREET N.W., SUITE 501**  
**WASHINGTON, DC 20036**

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**APR 28 2008**

**OFFICE OF PETITIONS**

In re Application of  
Hiroaki KITANO et al.  
Application No. 10/018,571  
Filed: April 25, 2002  
Attorney Docket No. **KAK-004**

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 12, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file a complete and proper appeal brief within the time period provided in 37 CFR 41.37(a)(1). As a complete and proper appeal brief was not filed within one (1) month of the Notification of Non-Compliance with 37 CFR 41.37(c)(1), mailed June 15, 2007, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. *See* 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on July 17, 2007. *See* MPEP 1215.04.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amended appeal brief; (2) the petition fee of \$1,540.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Non-Compliance Notice of June 15, 2007 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

This application is being referred to Technology Center AU 2129 for appropriate action on the concurrently filed amended appeal brief.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions